

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Amendment of Part 95 of the)	WT Docket No. 95-102
Commission's Rules to)	RM-10564
Establish a Very Short Distance)	
Two-Way Voice Radio Service)	

**STATEMENT OF FIT AND MRFAC
IN SUPPORT OF
PETITION FOR RULEMAKING**

Forest Industries Telecommunications ("FIT") and MRFAC, Inc. ("MRFAC"), pursuant to Section 1.405 of the Commission's rules, hereby jointly file this Statement supporting the Petition for Rulemaking filed on August 22, 2002 by the Industrial Telecommunications Association ("ITA") in the above-captioned proceeding (hereinafter, the "Petition").¹ The Petition seeks a proceeding to enact rules prohibiting communications on the Family Radio Service ("FRS") frequencies for uses not intended by the Commission, *i.e.*, on-going and regular business use at the workplace.

I. Introduction

FIT is a trade association representing the land mobile communications interests of the forest products industry, and it is also a certified frequency coordinator. It has been coordinating frequencies for that industry for over fifty years and it is now one of the coordinators of the frequencies in the industrial/business pool. MRFAC is one of the Commission's certified frequency coordinators for the private land mobile bands from 30 to 900 MHz. It began operation as the frequency coordinating arm for the National

¹ See Public Notice, Report No. 2576, released September 17, 2002.

Association of Manufacturers. For the past 23 years MRFAC has operated independently, providing coordination and licensing-related services, particularly for manufacturers and other industrial and business entities.

For the forestry products and manufacturing communities, radio communications provide an array of applications, and are critical for the protection of lives and property. Accordingly, both FIT and MRFAC have a long-standing interest in the promotion and proper use of radio communication facilities. Both FIT and MRFAC have long participated in spectrum rulemakings affecting the interests of their respective members, and of the entire private radio community.

II. Initiating the Requested Proceeding is in the Public Interest.

FIT and MRFAC believe that the Petition makes a very persuasive case for a proceeding on rules prohibiting business use of FRS radios. First, the Petition demonstrates that while Section 95.401 includes the FRS rules as a CB Radio Service, and the Commission's rules permit "business activities" as an acceptable form of communication in the CB Radio service, it is clear that the Commission did not intend the FRS channels to be used for daily business communications. Indeed, there are good reasons for not mixing traditional Part 90 private mobile radio service ("PMRS") uses with FRS equipment: such mixture can lead to dangers for both business users and the intended recreational users of the FRS – families and friends.

FIT and MRFAC share the concerns expressed by ITA regarding business use of these radios for safety of life communications in an industrial setting. Radios designed and used on the industrial/business bands typically require a very deliberate action by

the user in order to change channels. In contrast, FRS radios are, by design, easily re-programmed. By merely depressing a channel advance function, any of the 14 channels within the radio are available, in order to makes channel selection easy and quick for the user. As a result, however, the FRS channel select function may be accidentally bumped, which usually is not critical in the family/recreational setting. On the other hand, in a business/industrial environment, where radios are used more often in safety of life situations, the accidental changing of the channel on an FRS mobile unit would result in the user calling for help or assistance on the wrong frequency.

It is no criticism of the manufacturers of FRS radios to assert that such radios may not be reliable in an emergency situation in the business/industrial environment. FRS radios were not designed to be so. FIT and MRFAC merely suggest that by enacting rules to prohibit daily business activities on the FRS frequencies, the Commission will reinforce the advisability of utilizing traditional PMRS channels and equipment for more reliable protection of life and safety related communications.

In addition to creating potential dangers in an industrial safety of life situation, regular business use of FRS radios could easily impede use of FRS by families and groups in the recreational context intended by the Commission. As noted in pages 4-5 of the Petition, if FRS is used by a significant number of individuals at a manufacturing facility, this could create more traffic on the FRS frequencies in that location than the Commission intended or anticipated, and one result of that congestion could easily be the inability of a nearby family or group to use the channels for emergency purposes.

Lastly, it should be noted that incidents have been reported to MRFAC in which work groups or teams have brought their FRS radios to manufacturing facilities, resulting in interference to licensed plant industrial channels, which are only a few kilohertz removed. While the control of FRS radios within an industrial plant should be a matter of corporate policy, enforcement of a corporate prohibition is made more difficult when there is no FCC prohibition on such use.

III. Conclusion

There are numerous reasons why the Commission should initiate a proceeding to enact rules prohibiting the use of FRS equipment and frequencies for daily business activities. FIT and MRFAC urge the Commission to do so.

Respectfully submitted,

MRFAC, INC.

FOREST INDUSTRIES
TELECOMMUNICATIONS

By: /s/ Marvin McKinley
Marvin McKinley
President
899-A Harrison Drive SE
Leesburg, VA 20175
800-262-9206

By: /s/ Kenton Sturdevant
Kenton Sturdevant
Executive Vice President
871 Country Club Road, Suite A
Eugene, OR 97401
541-485-8441

October 15, 2002